

The Honorable Robert S. Lasnik

THE UNITED STATES DISTRICT COURT  
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

T-MOBILE WEST LLC and  
INDEPENDENT TOWER HOLDINGS,  
LLC,

Plaintiffs,

v.

CITY OF MEDINA,

Defendant,

and

RESPECT MEDINA and MEDINA  
RESIDENTS,

Intervenors.

NO. 2:14- cv-01455-RSL

CITY OF MEDINA'S WITHDRAWAL  
OF STIPULATION TO STAY OF  
PROCEEDINGS

On October 22, 2015, the parties jointly requested that all proceedings in this matter be stayed pending the parties' exploration of settlement possibilities. The Court granted that request on October 26, 2015, and extended it on December 18, 2015, requiring that the parties report regarding the progress of their settlement negotiations no later than January 8, 2016.

1 The City of Medina has withdrawn from those settlement negotiations. The City views  
2 this matter as, in essence, a judicial review of a quasi-judicial land use decision made through the  
3 City's development code and processes. As such, and given the present posture of the case, the  
4 City does not view this case as amenable to settlement through any agreement of all parties. The  
5 City intends to file a motion for summary judgment and, should that fail to dispose of the case,  
6 the City believes that this matter must proceed to trial for determination on the merits.  
7 Accordingly, the City withdraws its stipulation to the stay of proceedings, and requests that a  
8 new case schedule be issued.  
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11 **RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of January, 2016.**

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13 **PORTER FOSTER RORICK LLP**

14 /s/ Jeffrey Ganson

15 **By: Jeffrey Ganson, WSBA #26469**  
16 **Attorneys for City of Medina**

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 8, 2016, I electronically filed the foregoing **CITY OF**  
3 **MEDINA'S WITHDRAWAL OF STIPULATION TO STAY OF PROCEEDINGS** with  
4 the Clerk of the Court using the CM/ECF system which will send notification of such filing to  
5 the following persons:  
6

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26 **DATED this 8th day of January 2016.**

/s/Dani Kaminski-Southard

**By: Dani Kaminski-Southard, Legal Assistant**